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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/091,788	09/08/1998	KENJI ONO	822-004	5329

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EXAMINER

SHARMA, RASHMI K

ART UNIT PAPER NUMBER

3651

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/091,788

Applicant(s)

ONO, KENJI

Examiner

Rashmi K. Sharma

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2 and 5-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This case has been re-open to prosecution due to the Board decision rendered December 23, 2003. Below is the new rejection.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandenfels (U.S. Patent number 4,750,578) in view of Coker (U.S. Patent number 5,125,468), Leigh et al. (PCT/AU92/00387) and Brown (U.S. Patent number 5,010,973).

Brandenfels discloses a self propelled vehicle comprising a driving portion (front end of figure 1) driving the vehicle forward in a forward driving mode, a swivelable and removable seat (50 please read column 1 lines 48-50), a steering portion (94,110,156) comprising at least one steerable wheel (82) being driven by the driving portion, a steering handle (110,156), the steering portion (94,110,156) being rotatable from one side of a hinge point (100) to an opposite side of the hinge point (100 please see figure 4) whereby the vehicle can be operated forward or backward by an operator riding on the vehicle and the vehicle can be run backward with an operator not riding on the vehicle. Brandenfels also discloses two rear wheels (26), a front wheel portion (the

Art Unit: 3651

area around 82) and a truck portion (20) where the front wheel portion has the driving portion (136) as well as the steering portion (94, 110, 156), the front wheel portion is detachably secured to the forward end of the truck portion (20) whereby the front wheel portion is detached from the truck portion can be attached to another conveying means (please see figure 8 and read column 5 lines 39-45), the steering handle (110, 156) is reversely turned toward the steerable wheel (82 see figure 4). The steering handle (110, 156) comprises handle stems (110) fixedly arranged at an upper end of a front wheel suspending portion, where the handle stems (110) are adapted to be turned to rise and fall longitudinally (please read column 4 lines 50-61), a handle bar (156) fixed to the handle stems (110) at a right angle relative to one another, where the handle bar (156) is able to be held to operate the vehicle by an operator for a forward run on a back side of the steerable wheel and a backward run in the front of the steerable wheel. The vehicle seat (50) is able to swivel/turn (360 degrees) its direction for a backwards run so that it can convey a person other than the operator in a seated position for the backwards run. The vehicle is self-propelled at a speed near that of human walking speed.

Brandenfels as disclosed above, fails to show a reversible electric motor to enable the vehicle to be driven in a backwards mode, arm rests, a removable supporting bar and a steering wheel.

Leigh et al. does disclose a reversible motor (18 please read page 7 lines 21-25) and a seat having arm rests (please see figures 1-3)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the motor of Brandenfels invention with that of Leigh's invention in order to provide for a backwards driven mode as well as to add the arm rests of Leigh's invention to that of Brandenfels in order to provide the rider more secured comfort. Reversible motors are well known as common driving modes.

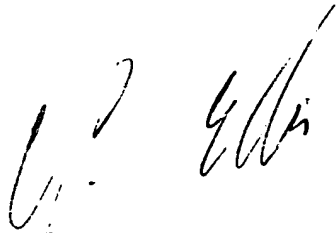
Brown does disclose a steering wheel (33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the steering handles of Brandenfels invention with that of Brown's invention as they are both functionally equivalent. Using a steering wheel rather than handle bars or stems as a means for steering is well known in the art.

### ***Conclusion***

1. Any inquiry concerning this communication should be directed to Rashmi Sharma whose telephone number is 703-306-5952.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 703-308-1113.

  
CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600